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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,829	12/22/2000	Daryl Carvis Cromer	RPS 2000 0054	8922

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EXAMINER
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LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/746,829

Applicant(s)

CROMER ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 November 2005 has been entered.
2. Claims 1-36 have been cancelled as per Applicant's request.
3. Claims 37-69 have been presented for examination.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 37-69 have been considered but are moot in view of the new ground(s) of rejection.
5. See further rejections that follow.

### ***Claim Rejections***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 37-42, 47-53, 58-64, and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,889,324 to Kanai et al., hereinafter Kanai.

9. As per claims 37, 48, and 59, Kanai discloses a method for enabling an image to be authenticated, the method comprising:

providing a digital signature associated with a device (Figure 2 [block S106], column 2, lines 50-59, column 6, lines 5-33, i.e. digital measurement apparatus provides a digital signature);

allowing a user to capture the image utilizing the device (Figure 2 [block S103], column 5, lines 10-31, column 5 line 64-67);

hashing a file containing both the captured image and the digital signature associated with the device to produce a digest (Figure 2 [blocks S109, S110, S112], column 6, lines 12-33);

encrypting the digest using a private/public key pair associated with the user to create a digital signature for the user (Figure 2 [block S113], column 6, lines 24-34).

10. Regarding claims 38, 49, and 60, Kanai teaches wherein the device is capable of electronically transmitting images (Figures 1 [block 16], 8 [block 16], column 5, lines 3-9).

11. Regarding claims 39, 50, and 61, Kanai teaches wherein the device comprises a digital camera (column 5, lines 10-11).

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12. Regarding claims 40, 51, and 62, Kanai teaches wherein the private/public key pair associated with the user is provided to the device via a radio frequency interface or a smart card (Figures 1 [blocks 14, 15], 2 [block S111], 8 [blocks 14, 15], column 6, lines 16-28).

13. With regards to claims 41, 52, and 63, Kanai discloses wherein the radio frequency interface or the smart card further provides information relating to the user to the device (Figures 1 [blocks 14, 15], 2 [block S111], 8 [blocks 14, 15], column 6, lines 16-28).

14. Concerning claims 42, 53, and 64, Kanai discloses wherein information relating to the user comprises an identification of the user (Figures 1 [blocks 14, 15], 2 [block S111], 8 [blocks 14, 15], column 6, lines 16-28).

15. Regarding claims 47, 58, and 69, Kan teaches wherein the file containing both the captured image and the digital signature associated with the device is stored in a memory of the device (Figure 2 [block S114], column 6, lines 29-34).

16. Claims 43-46, 54-57, and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai in view of U.S. Patent No. 6,804,699 to Henrie, hereinafter Henrie.

17. With regards to claims 43, 54, and 65, Kanai does not teach equipping the device with a disabling mechanism; detecting whether the user is an approved user; and disabling the device when the user is not an approved user.

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18. Henrie discloses equipping the device with a disabling mechanism; detecting whether the user is an approved user; and disabling the device when the user is not an approved user (Figure 9 [blocks 940, 945, 960, 965], column 11, line 9 to column 12, line 8).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to disable the device if an unauthorized user was detected, since Henrie states at column 1, line 62 to column 3, line 23 that including a disabling mechanism would discourage theft and return of the device and prevent unauthorized use of the device.

20. Concerning claims 44, 55, and 66, Henrie teaches wherein the device detects whether the user is an approved user via the radio frequency interface or the smart card (column 4, lines 27-39).

21. With regards to claims 45, 56, and 67, Kanai teaches wherein the radio frequency interface or the smart card further provides a public key associated with an owner or an intended owner of the captured image to the device (Figures 1 [blocks 14, 15], 2 [block S111], 8 [blocks 14, 15], column 6, lines 16-28).

22. Concerning claims 46, 57, and 68, Kanai teaches encrypting the captured image using the public key associated with the owner or the intended owner of the captured image (Figure 2 [block S113], column 6, lines 24-34).

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***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia  
Patent Examiner  
Art Unit 2131

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